

BEFORE THE BOARD OF VETERINARY MEDICINE
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the proposed) NOTICE OF
amendment of ARM 8.64.501 and) PROPOSED AMENDMENT
8.64.509, pertaining to)
application requirements) NO PUBLIC HEARING
and licensure by endorsement) CONTEMPLATED

TO: All Concerned Persons

1. On January 26, 2004, the Board of Veterinary Medicine (Board) proposes to amend the above-stated rules relating to veterinary matters.

2. The Department of Labor and Industry will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Veterinary Medicine no later than 5:00 p.m., January 15, 2004, to advise us of the nature of the accommodation that you need. Please contact Cheryl Brandt, Board of Veterinary Medicine, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2394; Montana Relay 1-800-253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; e-mail dlibsdrvvet@state.mt.us.

3. The rules as proposed to be amended provide as follows, stricken matter interlined, new matter underlined:

8.64.501 APPLICATION REQUIREMENTS (EXAMINATION)

(1) Applicants for licensure by examination in the state of Montana shall submit a completed application with the proper fee and supporting documents to the board office no later than 45 days prior to the jurisprudence examination date as set by the board. Applicants for the North American veterinary licensing examination (NAVLE) wishing to sit as a Montana candidate shall submit the Montana state licensure application to the board no later than ~~65~~ 97 days prior to the first date of each NAVLE test window. Montana NAVLE candidates shall submit the NAVLE application and fee directly to the national board of veterinary medical examiners examination committee. Supporting documents for the Montana state licensure application ~~shall~~ must include:

(a) through (2) remain the same.

(3) Foreign veterinary school graduates ~~must~~ shall either have completed the requirements of the American veterinary medical association's education commission for foreign veterinary graduates (ECFVG) as evidenced by a copy of the ECFVG certificate, or must have completed the requirements of the program for the assessment of veterinary education equivalence (PAVE) as evidenced by a copy of the PAVE certificate before an application will be accepted.

~~(a) A foreign veterinary medical school graduate may serve the required, but not more than, one year internship (12 months) in this state providing, however, that proof can be shown that the private practice is currently approved by the ECFVG, and written approval has been obtained from the board of veterinary medicine. This internship allows candidates to participate in all phases of the practice of veterinary medicine under direct supervision to the extent permitted by 37-18-101, MCA, et seq.~~

~~(b)(a)~~ For specific information on the requirements of the ECFVG, contact the American Veterinary Medical Association, ECFVG, 1931 North Meacham Road, Suite 100, Schaumburg, IL 60173. For specific information on the requirements of the PAVE, contact the American Association of Veterinary State Boards at ~~3100 Main Street, Suite 208,~~ 4106 Central, Kansas City, MO 64111.

(4) remains the same.

AUTH: 37-18-202, MCA

IMP: 37-18-202, 37-18-302, ~~37-18-303,~~ MCA

REASON: It is reasonable and necessary that the Board of Veterinary Medicine propose rule changes to update the examination application requirements. The national testing agency for veterinary medicine has recently notified the Board that the number of days required to process a national examination application has increased from 50 days to 82 days. The Board is changing its deadline to comply with the national requirement. The Board has also recently been informed that an internship for foreign graduates has not been required since the mid-1980s. The Board is removing this reference to an antiquated provision. The rule change also updates a name change and address for national contact organizations. In addition, there is also reasonable necessity to amend the rule to make technical changes to make word usage consistent with the style requirements of the Legislative Service Division's Bill Drafting Manual, and to delete a questionable IMP cite. The changes will affect all veterinarians applying for licensure by examination.

8.64.509 LICENSURE OF OUT-OF-STATE APPLICANTS (ENDORSEMENT) (1) A license to practice veterinary medicine in the state of Montana may be issued at the discretion of the board provided the applicant meets all of the following requirements:

(a) The candidate has graduated from and holds a degree/diploma from a school of veterinary medicine accredited or approved by the American veterinary medical association council on education as evidenced by a certified copy of the transcript sent directly from the veterinary school. Graduates of foreign veterinary schools ~~must~~ shall have completed the requirements of the American veterinary medical association's education commission for foreign veterinary graduates (ECFVG) or the program for the assessment of veterinary education equivalence (PAVE).

(b) through (f) remain the same.

~~(g) The candidate has not previously taken and failed to pass the veterinary practical licensing examination in this state.~~

(h) remains the same, but is renumbered (g).

AUTH: 37-1-131, 37-18-202, MCA

IMP: 37-1-304, MCA

REASON: It is reasonable and necessary for the Board to propose to update the application requirements for out-of-state applicants by endorsement. It is reasonable and necessary to add the recently approved method of evaluating foreign graduate education and training (PAVE) to apply to endorsement candidates for licensure as well as examination candidates, to make the rule consistent with the proposed amendments in ARM 8.64.501.

It is reasonable and necessary that the Board propose to amend the rule to delete the requirement that an applicant cannot have previously taken and failed the Montana practical examination. The Board has not administered its own practical examination since 1997. The Board has also determined that a candidate that has previously taken and failed the Montana veterinary practical examination has sufficiently demonstrated safety for the public through a record of four years of undisciplined practice in another state and passing the national examination and Montana jurisprudence examination. The Board believes this will remove a possible barrier to licensure for some candidates, and thus provide Montanans with greater access to veterinary services.

In addition, there is also reasonable necessity to amend the rule to make technical changes to make word usage consistent with the style requirements of the Legislative Service Division's Bill Drafting Manual. The proposed amendments will affect all veterinarians applying for licensure via endorsement.

4. Concerned persons may submit their data, views or arguments concerning the proposed amendment in writing to the Board of Veterinary Medicine, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or by e-mail to dlibsdrvvet@state.mt.us and must be received no later than 5:00 p.m., January 22, 2004.

5. If persons who are directly affected by the proposed amendment wish to express their data, views and arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments they have to Cheryl Brandt, Board of Veterinary Medicine, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or by e-mail to dlibsdrvvet@state.mt.us to be received no later than 5:00 p.m., January 22, 2004.

6. If the Board receives requests for a public hearing on the proposed amendment from either 10% or 25, whichever is less, of the persons who are directly affected by the proposed

amendment; from the appropriate administrative rule review committee of the legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be 99 persons based on approximately 991 licensees.

7. The Board of Veterinary Medicine maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this Board. Persons who wish to have their name added to the list shall make a written request which includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding all Board of Veterinary Medicine administrative rulemaking proceedings or other administrative proceedings. Such written request may be mailed or delivered to the Board of Veterinary Medicine, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, faxed to the office at (406) 841-2305, e-mailed to dlibsdrvvet@state.mt.us, or may be made by completing a request form at any rules hearing held by the agency.

8. The Board of Veterinary Medicine will meet on January 26, 2004, to consider the comments made by the public, the proposed responses to those comments, and take final action on the proposed amendments. Members of the public are welcome to attend the meeting and listen to the Board's deliberations.

9. An electronic copy of this Notice of proposed amendment is available through the Department and Board's site on the World Wide Web at <http://www.discoveringmontana.com/dli/vet>, in the Rules Notices section. The Department strives to make the electronic copy of this Notice of proposed amendment conform to the official version of the Notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the Notice and the electronic version of the Notice, only the official printed text will be considered. In addition, although the Department strives to keep its website accessible at all times, concerned persons should be aware that the website may be unavailable during some periods, due to system maintenance or technical problems, and that a person's technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

10. The bill sponsor notice requirements of 2-4-302, MCA, do not apply.

BOARD OF VETERINARY MEDICINE
JOHN SMITH, DVM, PRESIDENT

/s/ WENDY J. KEATING
Wendy J. Keating, Commissioner
DEPARTMENT OF LABOR & INDUSTRY

/s/ MARK CADWALLADER
Mark Cadwallader
Alternate Rule Reviewer

Certified to the Secretary of State on December 15, 2003.